

Examination by the Bureau of Chemistry of this department of 192 cans from the consignment of October 10, 1923, showed that 120 cans, or 62.5 per cent of those examined, contained decomposed fish. Examination by said bureau of 96 cans from the remaining consignment showed that 25 cans, or 26 per cent of those examined, contained decomposed fish.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On April 6, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13276. Misbranding and alleged adulteration of grape julep. U. S. v. 35 Gallons of Grape Julep. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18976. I. S. No. 18991-v. S. No. C-4482.)

On September 17, 1924, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 gallons of grape julep, at Cedar Rapids, Iowa, alleging that the article had been shipped by the Southern Fruit Julep Co., from Chicago, Ill., on or about April 3, 1924, and transported from the State of Illinois into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Artificially Colored * * * Howel's Grape Julep Flavored with Grape Juice and Artificial Grape Flavor * * * Manufactured By The Southern Fruit Julep Company Chicago, Ill., Philadelphia, Pa., Ft. Worth, Texas."

Adulteration of the article was alleged in the libel for the reason that an artificially-flavored and artificially-colored imitation product had been substituted for the said article, and had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality and strength, and for the further reason that it had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the designation "Grape Julep" was false and misleading and deceived or misled the purchaser when applied to an artificially-flavored and artificially-colored imitation product, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 11, 1925, the Southern Fruit Julep Co., Chicago, Ill., having appeared as claimant for the property and having admitted the allegation of misbranding, judgment of the court was entered, condemning and forfeiting the product as being misbranded. It was provided in the said decree that the product might be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13277. Adulteration and misbranding of tomato pulp. U. S. v. 100 Cases of Tomato Pulp. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19505. I. S. No. 13350-v. S. No. E-4909.)

On January 16, 1925, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of tomato pulp, at Syracuse, N. Y., alleging that the article had been shipped by the Greco Canning Co., San Francisco, Calif., on or about November 26, 1924, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "De-Luxe Brand Concentrated Tomato Pulp" (or "Tomato Sauce") "Packed By Greco Canning Co. San Jose Cal."

Adulteration of the article was alleged in substance in the libel for the reason that a substance, viz, an artificially-colored tomato sauce, or pulp, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements in the labeling "Tomato Pulp" and "Tomato Sauce" were false and misleading and deceived and misled the purchaser.